



Department of Justice and Attorney-General
Office of the Director-General

In reply please quote: 589341/7; 5469924

19 JAN 2021

Mr Peter Russo MP
Chair
Legal Affairs and Safety Committee
lascc@parliament.qld.gov.au

1 William Street Brisbane
GPO Box 149 Brisbane
Queensland 4001 Australia
Telephone 13 74 68 (13 QGOV)
www.justice.qld.gov.au

ABN 13 846 673 994

Dear Mr Russo

I refer to correspondence from the Legal Affairs and Safety Committee (the Committee) on 13 January 2021 notifying the Department of Justice and Attorney-General (DJAG) of the publication of submissions regarding the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020.

As requested by the Committee, please find **enclosed** a table summarising the key issues raised in the published submission to the Committee and providing a response from DJAG. I note that submissions 4, 39 and 41 are confidential and have not been publicly released.

The attached table also includes response from the Queensland Police Service regarding amendments to legislation for which they are responsible.

Should the Committee Secretariat require any further information, please contact

I trust this information is of assistance.

Yours sincerely

A blue ink signature of Victoria Thomson, consisting of a stylized 'V' and 'T' followed by a horizontal line.

Victoria Thomson
Acting Director-General

Enc.

Legal Affairs and Safety Committee

Inquiry into the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020

DJAG comments

Submission No.	Bill Clause	Issue	Response
1. Robert Heron	Clause 8	<p>The submission proposes an amendment to new section 348(4) to better reflect the intent of the Queensland Law Reform Commission (QLRC) recommendation [at paragraph 5.144] to ensure that where the other person is made aware that consent is withdrawn, they are given the opportunity to respond to that withdrawal by ceasing to engage in the relevant act.</p> <p>The submission also argues for the inclusion of an additional provision in section 348 as follows:</p> <p><i>(4a) a person is not to be taken to continue to consent where it would be unreasonable to assume a person possessed the ability to make a person aware of a withdrawal of consent by words or conduct.</i></p>	<p>The intention of new section 348(4) is to implement recommendation 5-3 of the QLRC Report regarding withdrawal of consent; even though it is not explicitly stated, the provision allows a defendant the opportunity to respond to the withdrawal of consent.</p> <p>The Explanatory Notes to the Bill specifically quote the QLRC [at para 5.144] and confirm the rationale behind that recommendation as being: <i>'As a matter of fairness, it is necessary that the other person is made aware that consent is withdrawn and given the opportunity to respond to that withdrawal by ceasing to engage in the relevant act'</i>.</p>
2. Australian Lawyers Alliance (ALA)	Part 3	The ALA considers that the proposed amendments are acceptable and appropriate.	DJAG notes the submission is supportive of the Bill.
3. FamilyVoice Australia	Clause 21 (new)	<u>Educational campaign on prohibited inducements</u>	The Department will consider communication activities to inform gamblers and betting operators about the changes to

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	section 166B)	The submission recommends that a state educational campaign be undertaken to ensure both gamblers and gambling providers are aware of the Bill's provisions with respect to prohibited inducements if the Bill is passed.	<p>inducements. It is envisaged that these activities could include media statements, emails and website updates.</p> <p>It should be noted that the NCPF inducements ban is already in place across Australia, and is generally complied with. The ban applies only to inducements to open an account (such as matched first bets or first deposits or other inducements redeemable during the process of opening an account) or refer a friend to open an account.</p> <p>With the exception of minor amendments that support the NCPF ban, such as a further ban on inducements to prevent a person from unsubscribing, the provisions contained in the Bill do not further restrict inducement offers and merely codifies the ban that is already in place.</p> <p>The Bill provides the Queensland Government with direct recourse against wagering providers who do not comply with the ban, regardless of where the provider is licensed. Previously, the Queensland Government has been reliant on other jurisdictions taking action when a licensee from another jurisdiction has contravened the ban.</p>
	Clause 21 (new section 166C)	<p><u>Penalties for offering free bets without allowing customers to withdraw payouts arising from the free bets at any time</u></p> <p>The submission recommends an advertising campaign should be undertaken to highlight the penalties associated with offering free bets without allowing customers to withdraw payouts arising from the free bets at any time.</p>	<p>The Department will consider communication activities to inform gamblers and betting operators about the changes to free bets (and the penalties for breaching those changes). It is envisaged that these activities could include media statements, emails and website updates.</p> <p>The maximum penalties have been developed with regard to the existing penalty framework under the <i>Interactive Gambling</i></p>

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		The submission also suggests that the penalties should be reviewed 12 months after the Bill has been passed to ensure they are adequate.	<i>(Player Protection) Act 1998</i> and are appropriate and commensurate to the seriousness of the offence.
	Clause 21 (new section 166D)	<p><u>Gambling advertising during sports and TV news bulletins between 6pm to 8pm</u></p> <p>The submission states that “the Queensland Government work together with the Federal Government to [word missing] gambling advertisements during sports and TV news bulletins, particularly between the hours of 6pm and 8pm”.</p>	It is not clear what the submission is seeking with respect to gambling advertisements during sports and TV news bulletins between 6pm and 8pm. The ability to legislate for television broadcasts is however the constitutional responsibility of the Commonwealth, which, as above, already places restrictions on the broadcast of gambling advertising.
	Clause 21 (new section 166D)	<p><u>No consent given by minors should be deemed acceptable</u></p> <p>The submission states that minors should not be able to provide express and informed consent to receive direct marketing from a licensed operator.</p>	<p>It is an offence under the <i>Interactive Gambling (Player Protection) Act 1998</i> for a person involved in the conduct of an authorised game to allow a minor to participate as a player in an authorised game. Pursuant to the <i>Commonwealth Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)</i>, the identity of every customer who opens an online gambling account or online wagering account is required to be verified within 14 days. As part of the verification process, the customer’s age must also be established to be at least 18 years old. Accordingly, an account holder will not be able to receive direct marketing if they have failed the verification process.</p> <p>It should be noted that wagering Ministers have committed under the NCPF to further review of the customer verification</p>

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			period, with a view to further reducing the period to 72 hours. Commonwealth-led consideration of this matter is underway.
4. Confidential	N/A	Submission no.4 is confidential and has not been publicly released.	N/A
5. Legal Aid Queensland (LAQ)	Clause 8 Clause 9	<p>The LAQ does not support any amendment to section 348 of the Code as, in their experience, there is no issue with how the section currently operates with respect to consent and the mistake of fact excuse. Further, LAQ does not support amendments regarding the defendant's intoxication, as case law already supports the operation of the law in this way.</p> <p>However, if an amendment were to proceed, LAQ submit an alternative drafting of clause 8 which LAQ argues would make the provision clearer and unambiguous, for example:</p> <ol style="list-style-type: none"> <i>1. A person who does not say or do anything to communicate a lack of consent does not necessarily, by reason only of that fact, give consent to the act; or</i> <i>2. Depending on the facts of the case, a person does not necessarily give consent only because the person did not say or do anything to communicate that they did not consent to the act.</i> 	<p>DJAG notes the suggestion as to redrafting by LAQ.</p> <p>The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations.</p>

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6. Australian Medical Association Queensland	N/A	<p><u>Final response to the <i>Tackling Alcohol-Fuelled Violence Policy</i> evaluation</u></p> <p>The submission notes that, despite the 38 recommendations contained within the evaluation report for the <i>Tackling Alcohol-Fuelled Violence Policy</i> undertaken by the <i>Queensland Alcohol-related violence and Night-Time Economy Monitoring Project</i> (QUANTEM), it is difficult to find detail of what the final actions of the Queensland government are, apart from those listed in the explanatory notes.</p>	<p>The Government's interim response to the final independent evaluation of the <i>Tackling Alcohol-Fuelled Violence Policy</i> was released in July 2019, and can be found at: https://www.publications.qld.gov.au/dataset/quantem-report/resource/f781186a-b11b-48cb-8631-4dc634dde983.</p> <p>A first phase of legislative amendments giving effect to aspects of the Government's response was progressed in late 2019, via the <i>Holidays and Other Legislation Amendment Act 2019</i> and the <i>Liquor Amendment Regulation 2019</i>.</p> <p>The current Bill contains a second phase of legislative amendments giving effect to further approved aspects of the Government's response to the independent evaluation.</p> <p>Consideration of the remaining legislative and non-legislative evaluation recommendations is ongoing and will inform the final Government response to the evaluation once determined.</p>
	Clauses 28 to 37	<p><u>Increased rigour around ID scanning</u></p> <p>The submission states support for the increased rigour around the ID scanning regime, including increased penalties against the licensee if actions necessary for controlling entry to regulated premises are not put in place.</p>	The Department notes the submitter's support for the amendments.
	Clause 44 and 45	<p><u>Requiring reviews of safe night precinct boundaries</u></p> <p>The submission states it does not support the provision that provides for licensees in safe night precincts to be granted extended trading hours on</p>	The Bill contains provisions to wind back extended trading hours for a licensed premises from 3am to 2am if the safe night precinct in which the premises is located is removed. The Bill will not automatically grant extended trading hours to 3am to premises located within safe night precincts. Licensees in safe night precincts will need to apply and be approved for extended

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		<p>the basis that their premises are within safe night precinct boundaries. The submission states that, despite safe night precincts achieving modest improvements in some metrics, more needs to be done.</p>	<p>trading hours in accordance with existing processes under the <i>Liquor Act 1992</i> (Liquor Act), and will be subject to the ordinary requirements associated with this process (such as public advertising requirements).</p> <p>Under Part 4, Division 7 of the Liquor Act, licensees in safe night precincts may seek extended trading hours approval to serve liquor on a regular basis between 12am and 3am. Licensees outside safe night precincts may only apply for regular extended trading hours from 12am to 2am. These are existing provisions.</p> <p>Clause 44 will insert new section 173NCAA (Review of safe night precincts) which provides a framework for reviews of areas prescribed as safe night precincts to be undertaken every three years, to ensure the area continues to achieve the purposes of Part 6AB of the Liquor Act.</p> <p>As a consequence of the insertion of new section 173NCAA, clause 45 will make clarifying amendments to section 173NCA of the Liquor Act. Section 173NCA of the Liquor Act currently provides if a licensed premises with approved extended trading hours to 3am ceases to be in a safe night precinct as a result of a regulation change to the safe night precinct area, the premises' hours will reduce to 2am and no compensation is payable. Clause 45 will make amendments to section 173NCA to clarify the section also applies in circumstances where a safe night precinct is completely removed (i.e. if a safe night precinct is removed, all licensed premises within the area will have their hours reduced to 2am without compensation).</p>

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	N/A	<p><u>Additional actions in relation to Tackling Alcohol-Fuelled Violence</u></p> <p>The submission seeks for three additional actions to be included as part of this Bill:</p> <ol style="list-style-type: none"> 1. Introducing more stringent controls over responsible service of alcohol obligations for online liquor sales, including: <ol style="list-style-type: none"> (a) introducing a penalty for not complying with risk assessment management plans for online sales, and (b) requiring compliance checks to be conducted at the point of delivery of alcohol. 2. Undertake a review of measures related to the safe and responsible service of alcohol, namely, strategies used to assess patrons' levels of intoxication before effecting service of alcohol. 3. Include actions related to recommendation 11 and recommendation 27 from the QUANTEM evaluation report. 	<p>The submitter has raised matters outside the scope of the Bill, therefore the Department cannot comment.</p> <p>The Government's interim response to the final independent evaluation of the <i>Tackling Alcohol-Fuelled Violence Policy</i>, including in relation to recommendations 11 and 27 and controls around the responsible service of alcohol, can be found at: https://www.publications.qld.gov.au/dataset/quan-tem-report/resource/f781186a-b11b-48cb-8631-4dc634dde983.</p> <p>Consideration of the remaining legislative and non-legislative evaluation recommendations is ongoing and will inform the final Government response to the evaluation once determined.</p>
7. Rape and Domestic Violence Services Australia (RDVSA)	Clause 8 Clause 9	<p>While the RDVSA does not oppose the individual clauses of Part 3 of the Bill, the RDVSA makes the following recommendations:</p> <p><u>Clause 8:</u></p> <ol style="list-style-type: none"> 1. An affirmative and communicative model of consent should be introduced. Consent 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and</p>

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		<p>should be defined by reference to free and voluntary agreement.</p> <p>2. That the non-exhaustive list of circumstances where a person's consent is not freely and voluntarily given, at section 348(2) of the Code, should be expanded to include additional factors, including amongst other things: fraudulent misrepresentation (including when a false representation is made that the person will be paid for sexual activity).</p> <p>3. In accordance with the affirmative model of consent, RDVSA recommends inclusion of a provision that provides consent is absent when a person does not do or say anything to indicate consent to sexual activity.</p> <p><u>Clause 9:</u></p> <p>4. Limiting the excuse of honest and reasonable mistake of fact in the context of sexual offences so that:</p> <p>(a) A mistaken belief as to the existence of consent is not honest and reasonable where the defendant did not take reasonable steps to ascertain whether the complainant was consenting;</p> <p>(b) In determining whether a mistaken belief is not reasonable, consideration</p>	<p>40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention,</i></p>

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		<p>is given to any relevant circumstances where consent is absent under revised s348(2)</p> <p><u>Other matters:</u></p> <ol style="list-style-type: none"> 1. RDVSA supports the inclusion of objectives and guiding principles to govern the interpretation and application of Chapter 32 of the Criminal Code. 2. RDVSA supports the development of judicial directions and the admission of expert evidence to address myths and misconceptions in sexual offence proceedings. 	<p><i>service responses and legislative amendments where necessary.'</i></p> <p>DJAG notes the Government committed in its previous term to incorporate the issue of non-payment of sex workers into a proposed review of the regulation of the sex work industry by the QLRC.</p>
8. Queensland Council of Social Service (QCOSS)	Clause 8	<p>The Bill does little to improve outcomes for victims of sexual violence. QCOSS does not support the passage of the Bill as currently drafted and calls for amendments that would:</p> <p>Clause 8</p> <ol style="list-style-type: none"> 1. QCOSS submits that section 348 of the Criminal Code 1899 (Qld) should be amended to introduce an affirmative model of consent. This would enshrine the concept of 'voluntary agreement' between individuals and provide for greater sexual autonomy. 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p>

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		<p>Other matters</p> <ol style="list-style-type: none"> 2. The human rights analysis for the Bill is one-sided and solely considers the rights of defendants to a fair trial and their protection from retrospective criminal laws. 3. The Bill fails to address deficiencies in Queensland's consent laws with regard to people with a disability, namely sections 216 (Abuse of persons with an impairment of mind) and 229L (Permitting young person etc. to be at place used for prostitution) of the Criminal Code.. 4. The Bill should insert a set of Guiding Principles into the Criminal Code in order to recognise the disproportionate impact on women and people with disability. 5. The Bill should repeal the 'mistake of fact' excuse due to its perpetuation of harmful rape myths. 	<p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>As noted by the QLRC at paragraph 1.38 of their report, issues that are concerned with reform of section 216 of the Criminal Code were outside the scope of their terms of reference and are outside the scope of the Bill.</p>

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9. Queensland Sexual Assault Network (QSAN)	Clause 8 Clause 9	<p>QSAN agree with the recommendations for amending the Bill as advocated in the Rape and Sexual Assault Research and Advocacy submission (no.18); QSAN does not support passage of the Bill and, proposes that a broader review be undertaken before progressing the Bill.</p> <p>QSAN also offer the following critique of the Bill:</p> <p><u>Clause 8</u></p> <ol style="list-style-type: none"> 1. That the inclusion of the word 'only' in new section 348(3) of the Criminal Code allows, in some circumstances, for passivity to amount to consent and that this is problematic because victims may 'freeze' in traumatic situations such as sexual assault and rape, preventing them from being able to verbally communicate or physically resist. 2. That the Bill does not protect victims who are sexually assaulted by and raped by someone they know because allowing the context of a relationship between parties to be considered in determining the presence of consent may fail to protect the overwhelming number of victims who are raped by someone they know, such as existing sexual partners. 3. That, as drafted, new section 348(4) puts the onus on the victim to withdraw consent even when the sexual encounter changes in nature 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence</i></p>

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		<p>(for example when the encounter becomes violent or the condom is removed).</p> <p><u>Clause 9</u></p> <p>1. That the Bill does not require the defendant to take reasonable and positive steps to ensure the other person is consenting.</p> <p><u>Other matters</u></p> <p>The Bill should make Queensland safer for victims of sexual and domestic violence and hold offenders accountable.</p> <p>The Bill does not provide for guiding principles to counteract rape myths and false preconceptions.</p>	<p><i>states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>
10. Zig Zag Young Women's Resource Centre Inc (Zig Zag)		<p>Clause 8:</p> <p>1. Zig Zag submits that section 348 of the Criminal Code Act 1899 (Qld) should be amended to introduce the affirmative consent model into Queensland legislation that includes the concept of a 'voluntary agreement' between two parties.</p> <p>2. Zig Zag propose amendment to the non-exhaustive list of circumstances where a person's consent is not freely and voluntarily given at section 348(2) of the Criminal Code, to include additional factors.</p>	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and</p>

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		<p>3. The proposed provisions within the Bill maintain the onus on the victim to say no or prove that there was no consent through their own actions and words (e.g. fighting back, saying no) rather than considering the actions of the defendant. Zig Zag remain concerned that consent may be established by 'remaining silent and doing nothing'.</p> <p>4. The proposed provisions within the Bill also maintain the onus on the victim to withdraw consent even when the sexual encounter changes in nature such as becoming violent.</p> <p>5. Zig Zag submit that section 348 of the Code be amended to provide that a person does not consent where the other person fails to use a condom as agreed; or because of force, or a reasonable fear of force, to an animal.</p> <p>6. The current provisions within the Bill place the onus on the victim to withdraw consent by words or actions even if the nature of the sexual act changes for example: the removal of a condom, or the refusal for payment as previously negotiated in sex work, or when sexual acts become violent.</p> <p>7. Zig Zag propose amendment to expressly provide that the definition of consent found in the section 348 is directly applicable to section</p>	<p>entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

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		<p>352 (sexual assaults) and all other Chapter 32 offences.</p> <p>8. Zig Zag also proposes inclusion of a separate provision which provides that grievous bodily harm suffered as a result of, or in connection with a Chapter 32 offence, is evidence of the lack of consent unless the contrary is shown.</p> <p>9. Zig Zag propose an amendment to provide that capacity to consent cannot be inferred from evidence regarding capacity to consent at the time of another sexual activity.</p> <p>Clause 9:</p> <p>10. Zig Zag propose introduction of a separate and unique mistake of fact provision for Chapter 32 offences, that requires a defendant to prove that they took reasonable steps to ascertain consent, that the defendant's mistaken belief was not due to self-induced intoxication, and that they were not reckless as to whether or not the complainant consented, before being able to rely on the defence.</p> <p>11. Zig Zag also propose that the onus of proof be reversed for mistake of fact relating to rape, sexual assault and other Chapter 32 offences. This would mean that the defendant must prove that they held an honest and</p>	<p>DJAG notes the Government committed in its previous term to consulting on the issue of whether stealthing should be a standalone offence.</p> <p>DJAG notes the Government committed in its previous term to incorporate the issue of non-payment of sex workers into a proposed review of the regulation of the sex work industry by the QLRC.</p> <p>Application of consent definition to sexual assault</p> <p>Consistent with recommendation 5.2 of the Queensland Law Reform Commission (QLRC) Report, the Bill amends sections 1 (Definitions) and 347 (Definitions for ch 32) of the Criminal Code to clarify that the definition of 'consent' in section 348 applies to all offences in Chapter 32 of the Criminal Code, including section 352(1)(a) (sexual assault).</p>

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		<p>reasonable, but mistaken belief that the complainant was consenting.</p> <p>12. Zig Zag is concerned that the current interpretation of 'reasonable' in the context of the mistake of fact defence under section 24 Criminal Code is not a purely objective assessment in the sense of what a 'theoretical ordinary, reasonable person would or should' have done. Rather, the personal circumstances of the defendant must be considered, with the understanding that the defendant's belief cannot be assessed separately from the relevant information on which it was based. Zig Zag notes concern that this interpretation may enable unjust outcomes for rape and sexual assault survivors, and contribute to the perpetuation of misconceptions about rape and sexual assault.</p> <p>13. That a history of domestic, family, and/or intimate partner violence be expressly required to be considered in sexual violence offences, where it is relevant.</p> <p>14. Zig Zag also recommend additional amendments to make jury directions clear and understandable and not overly legalistic, confusing, and/or technical.</p>	

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		<p>15. Zig Zag also recommends the introduction of a 'statement of objectives' or 'guiding principles' within the Criminal Code.</p> <p>16. Zig Zag propose amendments to the <i>Evidence Act 1977</i> (Qld) to specifically allow for the admission into evidence of expert evidence in criminal proceedings that relates (wholly or partly) to a charge for a sexual offence so that relevant, contemporary social scientific research can be made available to enable jurors to be more informed and to ensure their decision making is based on accurate information about the nature and dynamics of sexual offences and factors that may affect the behaviour of people who have experienced sexual violence.</p> <p>17. Zig Zag also recommends an urgent, broad based, interdepartmental review into the handling of sexual offences in Queensland that positions the experiences of victims/survivors of sexual violence at the centre, from barriers to reporting, the process of reporting to police, attrition through the criminal justice system through to trial outcomes.</p>	
11. The Brisbane Rape and Incest Survivors Support Centre (BRISSC)	<p>Clause 8</p> <p>Clause 9</p>	BRISSC agree with the recommendations for amending the Bill as advocated in the Rape and Sexual Assault Research and Advocacy submission (no.18); QSAN does not support	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform

Submission No.	Bill Clause	Issue	Response
		<p>passage of the Bill and, proposes that a broader review be undertaken before progressing the Bill.</p> <p>BRISSC also offer the following critique of the Bill:</p> <p><u>Clause 8</u></p> <p>4. That the inclusion of the word ‘only’ in new section 348(3) of the Criminal Code allows, in some circumstances, for passivity to amount to consent and that this is problematic because victims may ‘freeze’ in traumatic situations such as sexual assault and rape, preventing them from being able to verbally communicate or physically resist.</p> <p>5. That the Bill does not protect victims who are sexually assaulted by and raped by someone they know because allowing the context of a relationship between parties to be considered in determining the presence of consent may fail to protect the overwhelming number of victims who are raped by someone they know, such as existing sexual partners.</p> <p>6. That, as drafted, new section 348(4) puts the onus on the victim to withdraw consent even when the sexual encounter changes in nature (for example when the encounter becomes violent or the condom is removed).</p> <p><u>Clause 9</u></p>	<p>Commission’s (QLRC) recommendations. The QLRC’s extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland’s laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC’s analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society’s Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>‘The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government’s commitment to improving women’s safety and experiences in the criminal justice system goes far beyond the commission’s review and the implementation of its recommendations. The government’s sexual violence prevention framework Prevent. Support. Believe. Queensland’s framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure</i></p>

Submission No.	Bill Clause	Issue	Response
		<p>2. That the Bill does not require the defendant to take reasonable and positive steps to ensure the other person is consenting.</p> <p><u>Other matters</u></p> <p>The Bill should make Queensland safer for victims of sexual and domestic violence and hold offenders accountable.</p> <p>The Bill does not provide for guiding principles to counteract rape myths and false preconceptions.</p>	<p><i>that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

Submission No.	Bill Clause	Issue	Response
12. Women's Legal Service (WLSQ) Qld	Clause 8 Clause 9	<p>The WLSQ notes that the Bill is a missed opportunity to draft legislation in a way that provides a clear and unequivocal benchmark for the whole community about acceptable norms in consensual sexual relationships.</p> <p>The WLSQ raise the following issues:</p> <ol style="list-style-type: none"> 1. That the QLRC did not undertake a current statistical analysis of sexual violence in Queensland and that evidence of conviction rates was not considered by the QLRC. 2. That the Bill fails to acknowledge or respond to the concern that the criminal justice system is unresponsive to victims/survivors. 3. That there was a failure by the QLRC to adequately address domestic violence, and that the Bill should make amendments to how domestic violence evidence should be addressed in cases of intimate partner sexual violence; the WLSQ also submit that there has been an obvious failure to address the operation of section 132B of the Evidence Act, noting that s132B specifically excludes relevant domestic violence evidence from being introduced into rape and sexual violence matters. 4. That the QLRC did not properly examine Tasmanian and Canadian laws regarding consent and mistake of fact, particularly the 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations.</p> <p>The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support.</i></p>

Submission No.	Bill Clause	Issue	Response
		<p>Tasmanian model which the WLSQ support. WLSQ note the QLRC summarises the Canadian and Tasmanian laws but does not examine their approaches, nor therefore undertake any critical analysis of the evidence that exists in these jurisdictions to support a changed approach to consent.</p> <p>5. The laws should be written in a manner that ensures they can be easily communicated and understood by people with no legal training or qualification. In this context, the WLSQ submit that the law should include the term 'reckless disregard' in the definition as negating consent and, the word 'agreement' in the definition of consent.</p> <p>6. WLSQ notes that the proposed amendments have failed to address circumstances where the victim has also suffered injuries. WLSQ contends that an injury to the victim should automatically negate consent.</p> <p>7. WLSQ's major concern about mistake of fact is that it allows the undermining of consent in Queensland as free and voluntary and allows defendants with outdated, misogynist, and sexist views about women to be legitimised and endorsed by the legal system.</p> <p>Clause 8</p>	<p><i>Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

Submission No.	Bill Clause	Issue	Response
		<p>1. WLSQ advocates for a definition of consent which requires and reflects positive 'agreement' between parties engaged in the sexual activity; the Bill should be modified to reflect an affirmative model of consent, that is: if a person does not do or say anything to indicate consent they do not consent.</p> <p>2. WLSQ oppose new section 348(4) which pertains to the withdrawal of consent and argue the provision could make matters worse for complainants; WLSQ state that the proposed amendment places the onus of withdrawing consent on the victim/complainant. Accordingly, instead of requiring the accused to turn their mind and take 'reasonable steps' to ascertain consent, the finder of fact is required to assess the behaviour of the victim - that is; what did she say and do to withdraw consent.</p> <p>Clause 9</p> <p>1. The Bill does not alter the existing operation of the excuse of mistake of fact in any way, and making the consideration of the defendant's behaviour discretionary falls far short of a legal requirement upon a party to take positive, reasonable steps to ascertain consent. Accordingly, the mistake of fact excuse should only be available where the defendant took</p>	

Submission No.	Bill Clause	Issue	Response
		<p>reasonable steps to ascertain whether the other person was giving consent.</p> <p>2. The recommended amendments maintain the legal status quo of defendants being able to rely upon a complainant's behaviour to argue their mistaken belief. Furthermore, the QLRC proposal still allows for the accused to be 'reckless' as to whether the victim complainant was consenting.</p> <p>Proposed amendments to the Bill:</p> <p>At a minimum, the submission recommends the following amendments to the Bill: :</p> <p><u>Amendment of s348 (Meaning of Consent)</u></p> <p>insert-</p> <p>(3) A person does not consent to an act if the person does not say or do anything to communicate consent to the act.</p> <p>(4) A person does not consent to an act having given consent to the act, where the person later withdraws consent to the act taking place or continuing.</p> <p>(5) If a person, against whom a crime is alleged to have been committed under Chapter 32, and Chapter 22 (other than section 224, 225 or 226), suffers an injury as a result of, or in connection with, such a crime, the injury so suffered is</p>	

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		<p>evidence of the lack of consent on the part of that person unless the contrary is shown.</p> <p>(6) Insertion of the word 'agreement' into the definition of consent.</p> <p><u>Amendment of s24 (Mistake of Fact)</u></p> <p>insert –</p> <p>(3) In proceedings for an offence against Chapter 32 and Chapter 22 (other than section 224, 225 or 226), a mistaken belief by the accused as to the existence of consent is not honest or reasonable if the accused –</p> <p>(a) was in a state of self- induced intoxication and the mistake was not one which the accused would have made if not intoxicated; or</p> <p>(b) was reckless as to whether or not the complainant consented; or</p> <p>(c) did not take reasonable steps, in the circumstances known to him or her at the time of the offence, to ascertain that the complainant was consenting to the act.</p>	
13.Domestic Violence Action Centre (DVAC)	Clause 8 Clause 9	DVAC endorses the submission made by the Queensland Sexual Assault Network (submission no.9).	See response to submission no.9 made by the Queensland Sexual Assault Network.

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14. Centre Against Sexual Violence Inc (CASV)	Clause 8 Clause 9	CASV endorses the submission made by the Queensland Sexual Assault Network (submission no.9).	See response to submission no.9 made by the Queensland Sexual Assault Network.
15. Queensland Human Rights Commission (QHRC)	Clause 10	<p>The QHRC agrees with the Government's analysis that the legislation is a reasonable limitation on rights. However, consistent with the objects of the <i>Human Rights Act 2019</i> to protect and promote the human rights of all individuals, including victims, the Government should consider any limits on victims' rights of the Criminal Code as amended and closely monitor the impact of these changes to determine if further law reform in this area is necessary.</p> <p>The QHRC also agrees with the Government's analysis that the prohibition against retrospective criminal laws is not engaged because the amendments seek to confirm, not change, the existing law.</p>	<p>DJAG notes the agreement of the QHRC with the analysis contained in the Statement of Compatibility that the Bill is a reasonable and proportionate limitation on rights.</p> <p>Consistent with DJAG's role and responsibilities, the impact of the legislative amendments will be reviewed on an ongoing basis.</p> <p>The Department also notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change,</i></p>

Submission No.	Bill Clause	Issue	Response
			<p><i>prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>DJAG notes the agreement of the QHRC with the analysis contained in the Statement of Compatibility that the prohibition against retrospective criminal laws under section 35 of the <i>Human Rights Act 2019</i>, is not engaged by the transitional provision (clause 10), as the amendments seek to confirm, not change, the existing law.</p>
16. Believe Queensland Women (Believe)		<p>Believe endorses the submissions made by the Queensland Council of Social Services, Queensland Sexual Assault Network, the Women's Legal Service Queensland and the Brisbane Rape and Incest Survivors Support Centre which do not support the passage of the Bill as currently drafted.</p> <p>Believe submits that the Government should substantially strengthen Queensland consent law by:</p> <ol style="list-style-type: none"> 1. adopting an affirmative definition of consent; 2. repealing the 'mistake of fact' excuse which perpetuates harmful rape myths; and 3. acknowledging that freezing is a normal human response to threat. 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed</i></p>

Submission No.	Bill Clause	Issue	Response
			<p><i>to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>
17. Tabcorp	Part 10	<p><u>Implementation of the National Consumer Protection Framework (NCPF)</u></p> <p>The submission states Queensland's decision to apply the NCPF to Tabcorp via licence condition has indirectly advantaged its competitors.</p>	<p>The Department does not agree that the decision to apply the NCPF by licence condition to Tabcorp has advantaged Tabcorp's competitors. Tabcorp's competitors, the vast majority of which are licensed in the Northern Territory, are also obligated to observe the NCPF through the conditions of a mandatory code imposed by the Northern Territory Government.</p> <p>In fact, all jurisdictions with the exception of South Australia and Victoria have, like Queensland, applied the NCPF on a place of supply basis only to the wagering providers they</p>

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			<p>licence. South Australia and Victoria have applied the NCPF on a place of consumption basis to wagering that occurs within the jurisdiction, regardless of where the wagering provider is licensed.¹</p> <p>This approach creates a coverage gap in that wagering providers licensed in South Australia and Victoria could offer their services into other jurisdictions without having to observe the NCPF. Tabcorp subsidiaries are the exclusive or dominant online wagering providers licensed in South Australia and Victoria and therefore Tabcorp is best placed to benefit from coverage gaps. Tabcorp is however considered unlikely to exploit these gaps due to risk of reputational damage and potential action against licences held by Tabcorp in the other jurisdictions.</p> <p>The Bill proposes to apply the NCPF inducements ban on a place of consumption basis, which will apply this particular NCPF measure to all wagering providers who operate into Queensland, regardless of where the provider is licensed.</p>
	Part 10	<p><u>Northern Territory licensed gambling operators</u></p> <p>The submission states that some Northern Territory licensed gambling operators (such as Ladbrokes) continued to exploit loopholes in existing gambling inducement laws by offering</p>	<p>The issues cited in the submission relate to instances of Northern Territory licensees exploiting a loophole that arose from New South Wales's initial decision to exempt race platforms from its inducement ban, and an instance of an operator acting in contravention of the NCPF inducement ban. In both instances, the Northern Territory Government took action to address the issue (and, in the second instance, fined the operator heavily). Additionally, New South Wales has</p>

¹ It is acknowledged that New South Wales and Western Australia have applied inducement restrictions on a place of consumption ban. These bans exceed and in at least one case pre-date the NCPF.

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		inducements to entice punters away from local TABs.	subsequently refined its race platform exemption policy to the extent that the advertisement of inducements to open an account are (since November 2019) uniformly banned across Australia.
	Clause 68 (new sections 228B, 228D)	<p><u>Further restrictions on advertising</u></p> <p>The submission calls for consideration to be given to:</p> <ul style="list-style-type: none"> • introducing additional restrictions on the advertising of wagering inducements outdoors; online; and on tv, radio, and other broadcast channels (with exemptions for exclusive racing industry media platforms and retail venues); • prohibiting more broadly the advertising of any inducement to gamble (including an inducement to bet more frequently); and • introducing restrictions on the characteristics of wagering advertising including content and placement which might offend prevailing community standards. 	<p>Further restrictions of the nature suggested by Tabcorp exceed the Government policy presented in the Bill, which seeks to codify the existing NCPF ban on inducements to open an account or refer a friend to open an account.</p> <p>Additionally, it should be noted that the Commonwealth Government, through the Australian Communications and Media Authority (ACMA), is responsible for regulating broadcast and online advertising. Broadly, the current gambling advertising restrictions outlined in various Codes of Practice approved by the ACMA and in the <i>Broadcasting Services (Online Content Service Provider Rules) 2018</i> prohibit gambling advertising during:</p> <ul style="list-style-type: none"> • free to air and pay TV during programs that are classified G, C and P from 6am to 8:30am and 4pm to 7pm; • other programs principally directed to children between 5am and 8:30pm; • the broadcast of live sport on free TV, pay TV and radio between 5am to 8:30pm from five minutes before the start of play until five minutes after play, including during breaks; and

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			<ul style="list-style-type: none"> live sport streamed online between 5am to 8:30pm from five minutes before the start of play until five minutes after play, including during breaks. <p>The content of gambling advertisements is regulated by the Australian Association of National Advertisers (AANA) Wagering Advertising & Marketing Communication Code and the AANA Code of Ethics.</p>
	Clause 68 (new section 228D(1)(a))	<p><u>Express and informed consent</u></p> <p>The submission states the Bill's requirement for consent to be informed is unnecessary and goes beyond the NCPF.</p> <p>The submission also seeks for express consent, when given, to be applied to all promotional and advertising mediums, rather than requiring consent to be obtained for each medium.</p>	<p>The Bill seeks to ensure that a person is adequately informed before giving consent to receive promotional or advertising materials. At a minimum, it is expected that they will be provided with information about the types of communication mediums through which the advertising or promotional materials may be sent; and when and how consent may be withdrawn to assist their decision about whether to consent.</p> <p>It is also considered appropriate that a person should be able to choose which methods of direct marketing they wish to opt-in for. For example, a person may prefer to receive promotions via email instead of by SMS and should be able to opt-out of any advertising or promotions by SMS.</p> <p>The requirement for express and informed consent is also consistent with equivalent New South Wales legislation (section 33HA of the <i>Betting and Racing Act 1998</i> (NSW)). Consistency with NSW will assist to reduce the regulatory burden for betting operators who operate across multiple jurisdictions.</p>
	Clause 68 (new	<p><u>Withdrawal of consent timeframes</u></p> <p>The submission recommends that any shorter period prescribed by regulation regarding when</p>	<p>Appropriate consultation will be undertaken with betting operators should the Government be inclined to prescribe by</p>

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	section 228D(4))	the withdrawal of consent takes effect should not be less than 24 hours to ensure retail and contact centre personnel have a reasonable amount of time to process requests to withdraw consent.	regulation a period less than five business days by which withdrawals of consent take effect.
	Clause 68 (new section 228E)	<p><u>Knowledge or suspicion that a specified address is not the location where bet is made</u></p> <p>The submission considers that in identifying the location of the person making a bet, it should be sufficient for a betting operator to rely on the address given to the betting operator by the person making the bet regardless of whether the betting operator knows or has reasonable grounds to suspect that the address provided is not the location of the person when the bet is made.</p> <p>The submission suggests that if Tabcorp incidentally identifies a person is on holiday in a different location to the person's normal address, Tabcorp would not amend the person's address just for the one bet.</p>	<p>The Bill requires betting operators to take reasonable steps to identify the location of a person making a bet with the betting operator. The betting operator may rely on the address given to the betting operator by the person, unless the betting operator knows or has grounds to suspect that the address given is not the location of the person when the bet is made.</p> <p>Wagering providers are already obligated to establish the location of a person making a bet by section 22 of the <i>Betting Tax Act 2018</i>.² The obligation ensures betting operators are able to ascertain taxable wagering revenue for the calculation of their betting tax liability to the Queensland Government. Tabcorp would therefore, have already implemented the necessary procedures to ensure compliance with the Betting Tax Act.</p> <p>Additionally, the Department wishes to clarify that nothing in the Bill obligates a betting operator to amend the address provided by an account holder if the betting operator identifies that the account holder is not in Queensland. It is acknowledged that the betting operator would need to record where a bet was placed from in order to comply with the Betting Tax Act and with the provisions proposed in the Bill.</p>

² The provisions inserted into the Bill replicate the requirements of the Betting Tax Act exactly.

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18. Joint submission of Professor Jonathan Crowe, Dr Rachael Burgin, Ms Bri Lee and, Ms Saxon Mullins on behalf of Rape and Sexual Assault Research and Advocacy (RASARA)	Clause 8 Clause 9	<p>RASARA's core concerns with the Bill are:</p> <ol style="list-style-type: none"> 1. the Bill does not substantially change the current Queensland law on rape and sexual assault. 2. the Bill ignores serious problems with the current law namely: <ol style="list-style-type: none"> a. the possibility that consent can be inferred from mere lack of resistance is left open, which is the antithesis of an affirmative consent model. Requirements that victims actively express their lack of consent are inappropriate because of the various legitimate reasons why a victim may not resist or express lack of consent including 'freeze' responses and pacifying aggressors. b. The bill ignores serious problems with the mistake of fact excuse which have been outlined by Professor Crowe and Ms Lee in peer reviewed research. The excuse can currently be used even if a person is asleep, unconscious or heavily intoxicated when a defendant has sex with them. c. The Bill does not address the role of the freezing response in mistake of fact cases, where rape victims 'freeze' and are unable to vigorously fight off their attackers. The QLRC's own research found the mistake of 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence</i></p>

Submission No.	Bill Clause	Issue	Response
		<p>fact excuse was raised more often in cases where a victim gives evidence of freezing during an attack or attempting to placate an attacker. The excuse potentially allows the defendant to use the victim's freezing response to avoid conviction.</p> <p>d. The Bill does not respond to the role of rape myths in mistake of fact cases.</p> <p>e. The Bill does not prevent defendants relying on their self-induced intoxication in asserting an alleged mistaken belief in consent. A defendant's intoxication currently makes their mistake more likely to be honest, although not reasonable. Defendants can effectively claim they were so drunk they thought the victim was consenting.</p> <p>3. The QLRC Report, and therefore the current Bill ignores survivors' perspectives including demands for more robust reforms. There was a survivor's forum in February 2020 attended by 39 people including the authors of the submission during which the attendees voted unanimously in favour of amendments drafted by Crowe and Lee to limit the applicability of the mistake of fact excuse to the issue of consent in rape and sexual assault cases and there was near unanimous support for removing the mistake of fact excuse from the issue of consent altogether. The QLRC Report</p>	<p><i>states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

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		<p>mentions the consultation session in passing but does not report or acknowledge the views expressed. The QLRC Report and the current Bill, in declining to make any substantive changes to the mistake of fact excuse, wilfully neglect survivors' perspectives.</p> <p>Proposed amendments to the Bill:</p> <p>At a minimum the submission seeks the following 3 amendments to the Bill (bolding indicates where the text differs from the Bill otherwise emphasis is expressed identically to the submission):</p> <ol style="list-style-type: none"> 1. Clause 8 should be amended to insert a substitute section 348(3) which would read: A person does not consent to an act if the person does not say or do anything to communicate consent to the act. <p>It is said that this amendment would strengthen the Bill to clarify that a person <u>does not</u> consent where they do not say or do anything to indicate consent.</p> <p>The current Bill leaves it open that passivity can amount to consent in some cases. The current wording of Clause 8 means a failure to resist can still amount to consent in some circumstances. Recent case law confirms this.</p>	

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		<p>2. Amendment to clause 9 to insert a substitute section 348A(2) which would read: A mistaken belief by the person as to the existence of consent is not honest or reasonable if the person did not take positive and reasonable steps, by words or conduct, in the circumstances known to the person at the time of the act, to ascertain that the other person was giving consent to the act.</p> <p>Clause 9 of the Bill falls short of <i>requiring</i> defendants to show they took positive steps to ascertain consent. Defendants could point to anything they said or did to determine consent, no matter how inadequate or unreasonable, to bolster their mistake of fact argument, but would not actually be required to show any steps were taken.</p> <p>3. A second amendment to clause 9 so that section 348A(3) would read: In deciding whether a belief of the person was honest and reasonable, regard may not be had to the voluntary intoxication of the person.</p> <p>The principle that is already set out in clause 9 of the Bill, that drunkenness is irrelevant to the reasonableness of a mistaken belief is already part of case law. The defendant's drunkenness can</p>	

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		<p>therefore lower the bar for the mistake of fact excuse and the Bill does nothing to change this.</p> <p>There is one further point made in the body of the submission:</p> <p>Clause 8 as it relates to withdrawal of consent, is already part of case law and is problematic in that insofar as it seems to put the onus on people who are subjected to unwanted sexual acts to withdraw their consent. This is not realistic when a previously consensual sexual encounter turns violent. However, the submission does not propose any amendment to this part of clause 8 because as currently drafted it brings Queensland into line with other jurisdictions.</p>	
19. LGBTI Legal Service Inc	Part 3	<p>While noting the benefit of explicitly outlining existing case law within the Criminal Code and allowing for a more effective communication of legislative rights and obligations, the LGBTI Legal Service is of the view that the proposed legislation fails to consider the experiences of survivors of rape and sexual assault and is not adequate in addressing many major concerns.</p> <p>Specifically, the submission raises concerns that:</p> <ol style="list-style-type: none"> 1. the onus is placed upon the victim to withdraw their consent; 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and</p>

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		<p>2. passivity still amounts to consent in some circumstances and, there is a missed opportunity to enforce an affirmative model of consent;</p> <p>3. the Bill does not appropriately address the issue of a defendant's intoxication and lowers the bar for a mistake of fact excuse to be successful.</p> <p>4. the proposed reforms will likely not improve the low rates of reporting within the LGBTI community, as the amendments do not represent any real legislative change that would promote greater community confidence in the legal system.</p> <p>The LGBTI Legal Service promotes recommendations 2, 3 and 6 of the Australia's National Research Organisation for Women's Safety Review of Consent Laws and the Excuse of Mistake of Fact, as follows:</p> <p>Recommendation 2 – Consider revising inconsistent, non-inclusive and outdated terminology to make the updated Criminal Code easier for all Queenslanders to understand;</p> <p>Recommendation 3 – Any changes to the Criminal Code must carefully consider the</p>	<p>entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

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		<p>impact upon equitable access to justice for priority populations; and</p> <p>Recommendation 6 – the list of circumstances in section 348(2) of the Criminal Code should either be extended to include non-imminent threats, fear of harm (either to the person, another person or an animal), fear of degradation, humiliation, exposure, outing, or harassment, intimidation, blackmail, and coercion as part of a pattern of harmful behaviour. Alternatively, the Act should be reframed to mandate the use of a social entrapment framework when domestic or family violence is present.</p> <p>The LGBTI Legal Service advocates for the Bill to include provisions similar to that of section 14A of the Tasmanian Criminal Code as it relates to the excuse of mistake of fact.</p>	
20. Gold Coast Centre Against Sexual Violence Inc (GCCASV)	Part 3	<p>GCCASV oppose the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an ‘affirmative model’ of consent, which includes the concept of ‘voluntary agreement’ between two parties. 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission’s (QLRC) recommendations. The QLRC’s extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland’s laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials</p>

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		<p>2. The Bill places the onus on the victim to withdraw consent.</p> <p>3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show the reasonable steps they took to ascertain consent.</p> <p>4. The Bill has failed to introduce guiding principles.</p> <p>5. The Bill does not consider the human rights of victim/survivors.</p> <p>6. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p> <p>GCCASV advocates for a broad based review to be undertaken before the Bill progresses to position the experiences of victim/survivors of sexual violence at the centre - from barriers to reporting; the process of reporting to police;</p>	<p>referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>

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		attrition and progression through the criminal justice system through to issues at trial.	Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.
21. Bravehearts	Part 3	<p>Bravehearts' submit that:</p> <ol style="list-style-type: none"> 1. The Bill should include affirmative consent, and notes that the failure to include a standard of affirmative consent allows for the argument, in some cases, that passive compliance equates to consent; and 2. That the onus of proof should be on the defendant to prove an honest and reasonable belief. <p>Bravehearts' notes the concerns raised by the Women's Legal Service Queensland.</p>	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to</i></p>

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			<i>improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i>
22. Youth Advocacy Centre Inc (YAC)	Part 3	<p>YAC note that the Explanatory Notes to the Bill are incorrect when they state:</p> <p>'Chapter 32 (Rape and Sexual Assaults) of the Criminal Code deals with sexual offending against adults where the absence of consent is an element of the offence.' [emphasis added].</p> <p>Chapter 32 of the Criminal Code deals with sexual offending against any person, and therefore age is irrelevant. No distinction is drawn between adult (aged 18 years or over) and youth offenders (aged 10-17 years) in the Criminal Code in relation to the commission of an offence in Chapter 32 (or in the Criminal Code generally) beyond where section 29(2) (Immature age) might be relevant.</p>	DJAG notes the error in the Explanatory Notes and thanks YAC for bringing it to the Department's attention.

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		<p>YAC has raised concern that the Queensland Law Reform Commission Report does not take into account, nor make any provision for, the challenges faced by both complainants and defendants who are minors/children with the potential for misunderstanding or miscommunication on the part of one or both in relation to consent or mistake of fact.</p> <p>YAC requests that the QLRC be asked to specifically examine the cases of child defendants and complainants and consider whether the recommendations made in the report should apply to minors or whether the legal response should be modified to some extent in certain situations – noting that the harm experienced by the complainant must be properly acknowledged.</p>	
23. LawRight	Part 3	<p>LawRight agrees with the submissions of Rape and Sexual Assault Research and Advocacy and the Women's Legal Service Queensland.</p> <p>LawRight endorse the adoption of an affirmative consent model for sexual offences and believe that the proposed amendments fail to make significant improvements to the existing legal framework, and fail to capture all instances and circumstances where there is a lack of consent (specifically, instances where there has been an absence of overt resistance).</p> <p>LawRight are also concerned that the proposed amendments fail to make prosecution of sexual</p>	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and</p>

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		<p>violence accessible, which subsequently fails to promote appropriate and thorough police investigations into complaints of sexual violence; and are concerned that the proposed amendments will not significantly improve the experiences of survivors of sexual violence when making reports to police.</p> <p>LawRight propose amendment to the Bill to require defendants to show they took positive steps to ascertain consent.</p> <p>LawRight is of the view that the excuse of mistake of fact perpetuates myths about rape and sexual assault which are left unaddressed by the proposed amendments. Factors such as previous sexual contact, flirting, going home with a person, or kissing a person have all been found to support a defendant's honest belief of consent. The failure to address this in the proposed legislation not only sustains pernicious myths about sexual offences.</p> <p>Further concern is raised that the proposed amendments will not significantly improve the experiences of survivors of sexual violence when making reports to police.</p>	<p>entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p>
24. Leah Pabst	Part 3	The submission endorses the submissions made by the Queensland Council of Social Services,	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned

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		<p>Queensland Sexual Assault Network, the Women's Legal Service Queensland and the Brisbane Rape and Incest Survivors Support Centre which do not support the passage of the Bill as currently drafted.</p> <p>The submission calls for the Government to substantially strengthen Queensland consent law by:</p> <ol style="list-style-type: none"> 1. adopting an affirmative definition of consent 2. repealing the 'mistake of fact' excuse which perpetuates harmful rape myths; and 3. acknowledging that freezing is a normal human response to threat. 	<p>the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure</i></p>

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			<i>that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i>
25. Soroptimist International Brisbane Inc (SI Brisbane)	Part 3	<p>The submission notes that the Bill is a measured and appropriate response, and that SI Brisbane support the amendments set out in the Bill to clarify the law around mistake of fact.</p> <p>SI Brisbane call on the Government to consider public programs and additional school programs for young people around the issue of consent to sexual matters.</p> <p>SI Brisbane also call on the Government to address the stigma that can attach to victims of sexual assault.</p>	<p>DJAG notes the submission is supportive of the Bill.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention,</i></p>

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			<i>service responses and legislative amendments where necessary.'</i>
26. Queensland Council for Civil Liberties	Part 3	The Submission supports the amendments to the Criminal Code in Part 3 of the Bill.	DJAG notes the submission is supportive of the Bill.
	N/A	<p><u>ID scanning and copying of driver licences</u></p> <p>The submission states that copying of a driver licence on entry to a premises represents a gross violation of the right to privacy.</p>	<p>ID scanning is an existing function under Part 6AA of the Liquor Act, which was inserted by the <i>Safe Night Out Legislation Amendment Act 2014</i>. This includes the requirement under section 173EH for patron photo IDs to be scanned by an ID scanner prior to entry to the premises, which records the photo and other permitted information contained in or on the photo ID.</p> <p>Given this, the matters raised by the submitter are outside the scope of the current Bill, and the Department cannot comment.</p>
27. Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd	Part 3 Clause 9 Clause 10	<p>The Aboriginal and Torres Strait Islander Legal Service note the wide-ranging and rigorous review conducted by the Queensland Law Reform Commission (QLRC) and, their evidence-based approach to their recommendations.</p> <p>The Aboriginal and Torres Strait Islander Legal Service also noted their agreement with the general approach that the specific caselaw principles identified by the QLRC should be explicitly included in the Criminal Code, subject to the following specific comments:</p> <p>Clause 9 (s348A(3)):</p> <p>1. The Aboriginal and Torres Strait Islander Legal Service submit it is undesirable to codify a</p>	<p>DJAG notes the Aboriginal and Torres Strait Islander Legal Service is largely supportive of the Bill and the recommendations of the QLRC.</p> <p>The Bill as introduced by the Government implements the QLRC recommendations.</p> <p>The Bill does not alter or impact the admissibility of evidence of voluntary intoxication; new section 348(3) of the Criminal Code codifies the existing law and provides that regard may not be had to the voluntary intoxication of the defendant in deciding whether a belief in consent was reasonable.</p> <p>The Statement of Compatibility concludes that the prohibition against retrospective criminal laws under section 35 of the <i>Human Rights Act 2019</i>, is not engaged by the transitional provision (clause 10), as the amendments seek to confirm, not</p>

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		<p>blanket rule making all evidence of voluntary intoxication irrelevant as to reasonableness of mistake of fact without a saving passage for the discretion of a judge to admit the evidence if it would otherwise be in the interests of justice to admit it;</p> <p>2. The Aboriginal and Torres Strait Islander Legal Service warn against provisions that deny or exclude a legitimate ground of defence on human rights grounds.</p> <p>Clause 10</p> <p>4. The Aboriginal and Torres Strait Islander Legal Service are concerned with an approach which would allow for retrospective application of the laws when a historic offence is charged and conclude that the provisions should not be applied retrospectively.</p> <p>5. The Aboriginal and Torres Strait Islander Legal Service notes the operation of section 35 of the <i>Human Rights Act 2019</i> and submits that the provisions in the Bill are not exceptional and should not apply retrospectively.</p> <p>6. Where the law has changed, and those changes may have either predictable or unpredictable consequences, it is undesirable to give those changes retrospective application. To do so otherwise could</p>	<p>change, the existing law. DJAG notes, the agreement of the Queensland Human Rights Commission with this analysis (see submission no. 15).</p>

Submission No.	Bill Clause	Issue	Response
		undermine the certainty and fairness of the law.	
28. Queensland Law Society (QLS)	Part 3	<p>The QLS accepts the Queensland Law Reform Commission's position, following its extensive review, that the Criminal Code should be amended to 'clarify, reinforce and update the current operation of the law'.</p> <p>The QLS objects to the transitional provision allowing for the retrospective application of the amendments to the Criminal Code and, submits that the provisions in the Bill should only apply to offences committed after commencement.</p>	<p>DJAG notes the QLS submission is largely supportive of the Bill.</p> <p>The Statement of Compatibility concludes that the prohibition against retrospective criminal laws under section 35 of the <i>Human Rights Act 2019</i>, is not engaged by the transitional provision (clause 10), as the amendments seek to confirm, not change, the existing law. DJAG notes, the agreement of the Queensland Human Rights Commission with this analysis (see submission no. 15).</p>
	Clauses 24 – 26	<p>The Queensland Law Society (QLS) supports the amendments to the <i>Legal Profession Act 2007</i> (LPA) in part 6 of the Bill, which relate to the operation of the Legal Practitioners' Fidelity Guarantee Fund (the fidelity fund).</p> <p>The amendments authorise the full payment of any claim against the fidelity fund not paid in full since the commencement of the LPA due to the operation of statutory caps on payments, and also provide clarity about when the statutory caps should be applied in the future.</p> <p>The QLS notes that presently the LPA does not permit the fidelity fund to support any preventative or claims reduction activities, but historically it did so.</p>	The further suggested amendments will be considered by DJAG.

Submission No.	Bill Clause	Issue	Response
		<p>The QLS has requested the amendments currently in the Bill be supported by further amendments to permit the fidelity fund to provide resourcing for measures likely to have a material effect on minimising the risk or magnitude of defaults by solicitors, such as:</p> <ul style="list-style-type: none"> • programs to prevent or more expeditiously identify trust account defaults; and • educational programs to improve compliance and trust accounting systems in law firms to prevent claims. <p>The QLS states that permitting initiatives such as these to be supported by the fidelity fund would have the beneficial effect of preventing claims rather than merely compensating those who have suffered loss.</p>	
29. Queensland Domestic Violence Services Network (QDVSN)	Part 3	QDVSN endorses the submission made by the Queensland Sexual Assault Network (submission no.9).	See response to submission no.9 made by the Queensland Sexual Assault Network.
30. Women's Health Service Alliance (WHSa)	Part 3	WHSa endorses the submission made by the Queensland Sexual Assault Network (submission no.9).	See response to submission no.9 made by the Queensland Sexual Assault Network.
31. Adela Brent, Australia Solidarity with Latin America	Part 3	The submission opposes the Bill for the following reasons:	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the

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		<ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent. 4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability. 	<p>Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult</i></p>

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			<p><i>broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
32. Britnee Chamberlain	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show the they took positive steps to ascertain consent. 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p>

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		4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.	<p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
33. Ending Violence Against Women Queensland Inc.	Part 3	The submitter strongly endorses the submission made by the Queensland Sexual Assault Network.	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the

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		<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent whereby an individual is required to enthusiastically and clearly affirm their willingness to have sex through words or actions; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent. 4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability 	<p>Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult</i></p>

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		The submission calls for a broad-based review of the experience of survivors following sexual assault.	<p><i>broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
34. Laura Anderson	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p>

Submission No.	Bill Clause	Issue	Response
		<p>show they took positive steps to ascertain consent.</p> <p>4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p>	<p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
35. Madeline Price	Part 3	The submission opposes the Bill for the following reasons:	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the

Submission No.	Bill Clause	Issue	Response
		<ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions. The submission supports the amendment to new section 348(3) of the Criminal Code, as drafted by Rape and Sexual Assault Research and Advocacy (RASAR); 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent. The submission supports the amendment to new section 348A(2) as drafted by RASARA 4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability. 	<p>Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult</i></p>

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			<p><i>broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
36. Name Withheld	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 5. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions; 6. The Bill fails to uphold the human rights of sexual assault survivors; 7. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p>

Submission No.	Bill Clause	Issue	Response
		<p>show they took positive steps to ascertain consent.</p> <p>8. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p>	<p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
37. One Woman Project	Part 3	The submission opposes the Bill for the following reasons:	The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the

Submission No.	Bill Clause	Issue	Response
		<ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions. The submission supports the amendment to new section 348(3) of the Criminal Code, as drafted by Rape and Sexual Assault Research and Advocacy (RASAR); 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent. The submission supports the amendment to new section 348A(2) as drafted by RASARA 4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability. 	<p>Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult</i></p>

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			<p><i>broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
38.Name Withheld	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p>

Submission No.	Bill Clause	Issue	Response
		<p>show they took positive steps to ascertain consent.</p> <p>4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p>	<p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
39. Confidential	N/A	Submission no.39 is confidential and has not been publicly released.	N/A

Submission No.	Bill Clause	Issue	Response
40. Sophia Leen	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions. The submission supports the amendment to new section 348(3) of the Criminal Code, as drafted by Rape and Sexual Assault Research and Advocacy (RASAR); 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent. The submission supports the amendment to new section 348A(2) as drafted by RASARA 4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence</i></p>

Submission No.	Bill Clause	Issue	Response
		that unfairly discriminates against people with a disability.	<p><i>states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their report, the issue was outside the scope of their terms of reference.</p>
41. Confidential	N/A	Submission no.41 is confidential and has not been publicly released.	N/A
42. Women's Health Queensland (WHQ)	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions; 2. As the mistake of fact excuse has been retained which allows a defendant to argue mistaken belief rather than requiring the 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and</p>

Submission No.	Bill Clause	Issue	Response
		<p>defendant to show the positive steps they took to gain consent.</p> <p>3. The Bill fails to uphold the human rights of sexual assault survivors;</p> <p>4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p> <p>WHQ supports the introduction of guiding principles to Chapter 32 of the Criminal Code.</p> <p>WHQ strongly endorses the submission made by Ending Violence Against Women Queensland Inc.</p>	<p>entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their</p>

Submission No.	Bill Clause	Issue	Response
			report, the issue was outside the scope of their terms of reference.
43. Queensland Coalition for Action on Alcohol	Clauses 28 to 37 (ID scanning)	<u>Increased rigour around ID scanning</u> The submission supports the additional legislative amendments proposed to provide greater rigour around ID scanning.	The Department notes the submitter's support for the amendments.
	Clauses 44 and 45	<u>Requiring reviews of safe night precinct boundaries</u> The submission supports the additional legislative amendments proposed to ensure the ongoing effectiveness of safe night precincts.	The Department notes the submitter's support for the amendments.
	Clauses 12-19, 39, 41 and 42	<u>Increased transparency around liquor and gaming machine decisions</u> The submission supports the additional legislative amendments proposed to increase transparency around liquor and gaming machine decisions.	The Department notes the submitter's support for the amendments.
	N/A	<u>Additional actions in relation to Tackling Alcohol-Fuelled Violence</u> The submission supports Recommendation 18 of the QUANTEM evaluation report for the <i>Tackling Alcohol-Fuelled Violence Policy</i> , and seeks the introduction of a minimum unit price on alcohol across Queensland to reduce alcohol consumption.	The submitter has raised matters outside the scope of the Bill, therefore, the Department cannot comment. The Government's interim response to the final independent evaluation of the <i>Tackling Alcohol-Fuelled Violence Policy</i> , including in relation to recommendation 18, can be found at: https://www.publications.qld.gov.au/dataset/quan-tem-report/resource/f781186a-b11b-48cb-8631-4dc634dde983 .

Submission No.	Bill Clause	Issue	Response
44. Shine Lawyers	Part 3	<p>The submission does not object to the modest changes in the Bill being implemented which are 'almost entirely declaratory of the existing law of Queensland', however, Shine Lawyers submit that the reforms do not go far enough to improve women's safety or experiences with the criminal justice system. Without significant additional reform, Queensland's criminal justice system will continue to fail complainants in sexual assault matters.</p> <p>The submission proposes the creation of the following new offences:</p> <ol style="list-style-type: none"> 1. where consent to a sexual act is obtained by way of mistaken belief, induced by the defendant, that there will be a monetary exchange for the sexual act; 2. where consent to a sexual act is obtained, but where the defendant fails to use a condom or sabotages the condom; and 3. where consent is given but under a mistaken belief, induced by the defendant, that the defendant does not suffer a serious disease. 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence</i></p>

Submission No.	Bill Clause	Issue	Response
			<p><i>states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>DJAG notes the Government in its previous term committed to consulting on the issue of whether stealthing should be a standalone offence. DJAG notes the Government committed in its previous term to incorporate the issue of non-payment of sex workers into a proposed review of the regulation of the sex work industry by the QLRC.</p>
45. Form Submission	Part 3	<p>The submission opposes the Bill for the following reasons:</p> <ol style="list-style-type: none"> 1. The Bill retains an outdated model of consent and should adopt an affirmative model of consent which would require individuals to enthusiastically and clearly affirm their willingness to have sex through words or actions; 2. The Bill fails to uphold the human rights of sexual assault survivors; 3. As the mistake of fact excuse has been retained, defendants will still be able to 	<p>The Department acknowledges there are a range of views on the Bill and its scope, including stakeholders that are concerned the reforms in the Bill do not go far enough in reforming the law of consent and mistake of fact. The Bill as introduced by the Government implements the Queensland Law Reform Commission's (QLRC) recommendations. The QLRC's extensive review of the operation of the existing law did not find evidence to support making wide ranging changes to Queensland's laws on consent and the excuse of mistake of fact. The transcripts from 135 rape and sexual assault trials and 40 appellate decisions were examined in addition to other trials referred to it at its invitation. The QLRC's analysis should be recognised as extensive constituting an almost exhaustive and</p>

Submission No.	Bill Clause	Issue	Response
		<p>utilise the defence in situations where a person is asleep, intoxicated, drugged or unconscious, thereby continuing to perpetrate rape myths. The proposed amendments do not require a defendant to show they took positive steps to ascertain consent.</p> <p>4. The Bill fails to address the negation of consent for a person with disability and is a missed opportunity to correct a law (namely, section 216 of the Criminal Code) that unfairly discriminates against people with a disability.</p>	<p>entirely forensic examination of the operation of the relevant law.</p> <p>The Department notes that in response to the Queensland Law Society's Call to Parties during the election, the Government committed to re-introduce the Bill in its present form.</p> <p>The Department notes the comments of the Attorney-General in the introductory speech for the Bill that, <i>'The commission acknowledged that this complex issue needs to be addressed to change social practices which contribute to sexual violence and goes far beyond what can be addressed by legislative amendments in the area of consent and mistake of fact. I want to assure those who want to see more done to address sexual violence that the Palaszczuk government's commitment to improving women's safety and experiences in the criminal justice system goes far beyond the commission's review and the implementation of its recommendations. The government's sexual violence prevention framework Prevent. Support. Believe. Queensland's framework to address sexual violence states that the government will continue to review and evaluate justice processes and relevant laws in Queensland to ensure that victims of sexual violence are supported and perpetrators are held accountable. The Palaszczuk government will consult broadly with key stakeholders in the coming months to ensure that we examine the experience of women in the criminal justice system as a whole, to identify possible future areas for reform including attitudinal change, prevention, early intervention, service responses and legislative amendments where necessary.'</i></p> <p>Reform of section 216 of the Criminal Code is outside the scope of the Bill. As noted by the QLRC at paragraph 1.38 of their</p>

Submission No.	Bill Clause	Issue	Response
			report, the issue was outside the scope of their terms of reference.
46. Respect Inc	Part 3	<p>A key aspect of consent for sexual services is payment for the services negotiated. If payment is not made or withdrawn, whether or not the sex worker is yet aware, consent is also withdrawn.</p> <p>While the Bill makes amendments to section 348 of the Criminal Code (Meaning of consent); these amendments do not encompass protection for sex workers.</p> <p>The submission recommends amendment of section 348(2)(e) of the Criminal Code to provide:</p> <p><i>'by false and fraudulent representations about the nature or purpose of the act or the withdrawal of payment or non-payment of a sex worker'.</i></p> <p>The submission also notes concerns regarding the criminalisation of sex workers generally, sex worker safety and barriers faced by sex workers when reporting sexual crimes.</p>	DJAG notes the Government committed in its previous term to incorporate the issue of non-payment of sex workers into a proposed review of the regulation of the sex work industry by the Queensland Law Reform Commission.

QPS comments

Submission No.	Bill Clause	Issue	Response
1. Australian Medical Association Queensland	Clause 50	<p><u>Increased rigour around banning regime</u></p> <p>Nil issues raised – AMA supports amendment</p>	Submitter's support is noted.
26. Queensland Council for Civil Liberties	Clause 50	<p><u>Opposition to police banning notice scheme</u></p> <p>Queensland Council of Civil Liberties opposes the police banning notice scheme, and therefore also opposes increasing the period of an initial Police Banning Notices (PBN) to one month, on the basis that:</p> <ul style="list-style-type: none"> • The proposed power is open to abuse • Most likely to be used against indigenous persons and other disadvantaged members of the community • The move on power is adequate • Only the judiciary should have the power to impose a punitive sanction 	<p>Increasing the duration of an initial PBN from 10 days to up to one month partially implements recommendation 17 of the independent evaluation report of the Tackling Alcohol Fuelled Violence Policy.</p> <p>PBNs enable police to provide immediate protection to members of the community in licensed venues and at licensed events who are placed at risk by individuals who display disorderly, offensive, threatening or violent behaviour. The need to immediately remove individuals from specified places whose ongoing presence poses an unacceptable risk of causing violence, impacting on the safety of others or disrupting or interfering with the peaceful passage, or reasonable enjoyment of others persons is balanced by the ability for the banned person to seek administrative review of the ban and the limited application of the ban.</p> <p>The legislative safeguards built into the PBN scheme ensure the rights of the public are protected and there is appropriate levels of oversight over decisions to issue PBNs, including:</p> <ul style="list-style-type: none"> • PBNs can only be issued in limited circumstances, with the elements set out in PPRA s 602C required to be satisfied before a PBN can be issued. • A senior police officer of at least the rank of Sergeant must approve the issue of a PBN, and an officer of at least the rank

			<p>of Senior Sergeant must approve the issue of an extended PBN.</p> <ul style="list-style-type: none"> • The police officer issuing the PBN is required to explain to the person receiving the PBN the PBN's duration and effect, consequences of contravening the PBN, that an extended PBN may be given or the initial PBN cancelled, as well as that the respondent has rights of appeal. • The respondent currently has 5 days and will have, subject to the passage of this Bill, 15 days to apply to the Commissioner of Police to vary or revoke the PBN. For an extended PBN, the respondent can appeal the Commissioner's decision to QCAT. • PBNs do not prevent someone from entering or remaining in their residence, place of employment or place of education. <p>QPS did not find any findings in the independent evaluation report of the Tackling Alcohol Fuelled Violence Policy that would support the contention that PBNs are most likely to be used against indigenous persons and other disadvantaged members of the community.</p> <p>In relation to move-on directions, the independent evaluation report noted key stakeholders were of the view that the 10-day period for an initial PBN did not realistically represent a punishment for people attending safe night precincts. Move-on directions can only require a person to leave an area for up to 24 hours. Whilst move-on directions may be appropriate in some circumstances, in light of the independent evaluation's findings they cannot be said to be adequate in all circumstances instead of PBNs.</p> <p>PBNs, similar to Police Protection Notices issued by police under the <i>Domestic and Family Violence Protection Act 2012</i>, are intended to be a protective measure and not a punishment. Removing the respondent from specified licensed venues, licensed events or safe night precincts</p>
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			protects others at risk from the disorderly, threatening, violent or offensive behaviour of the respondent. In the case of PBNs, they are also intended to be a deterrent to anti-social behaviour in licensed vicinities having regard to the rates of alcohol-fuelled violence in these locations. Banning periods can also be imposed by police as part of special bail conditions.
27. Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd	Clause 50	<p><u>Opposition to increase in length of initial police banning notice</u></p> <p>The Aboriginal and Torres Strait Islander Legal Service opposes the increase in length of an initial PBN on the basis that:</p> <ul style="list-style-type: none"> • PBNs are imposed on persons who are disorderly, offensive, threatening or violent. These behaviours are not equal in their seriousness, yet the limitations on rights imposed by a PBN are the same across each. • PBNs cause “real hardship and exceed the purpose for which they were imposed.” Despite the exemptions for residences and places of work and education, there is no exemptions for places such as Centrelink offices, rehab centres and services, late night pharmacies and transport hubs. • Banning notices should more properly be issued by courts. 	<p>The PBN scheme contains sufficient flexibility to ensure the most appropriate conditions are imposed on a person in response to their unacceptable behaviour. For example, a respondent may only be prohibited from a stated licensed premise or a stated class of licensed premise, as opposed to being prohibited from entering or remaining in a safe night precinct. The PBN may also state that its conditions only apply during stated days and times.</p> <p>A respondent can apply to the Commissioner to have the conditions of a PBN amended if necessary, including on the grounds of hardship.</p> <p>The offence provision in PPRA s 602Q requires a person not to contravene the notice <i>without reasonable excuse</i>. Depending on the circumstances of an alleged offence, a respondent’s need to attend places such as Centrelink offices, rehabilitation centres and public transport hubs may constitute a reasonable excuse. In addition, before charging a person with any offence, police must be satisfied there is sufficient evidence of an offence and public interest in doing so.</p> <p>If the sufficiency of evidence and public interest tests are satisfied for a police officer to charge a respondent with contravening a PBN, and the respondent believes they had a reasonable excuse for contravening the PBN (for example, the need to use a transport hub), the respondent could raise evidence of this for the court’s consideration.</p> <p>Banning periods can be imposed through venue bans, by police through PBNs and special bail conditions and by the courts through</p>

			special bail conditions and court orders. The key advantage of PBNs compared to court ordered bans is the ability to provide immediate, on the spot protection to the community at the time when a person is causing violence or otherwise impacting the safety of others.
28. Queensland Law Society (QLS)	Clauses 46-59	<p><u>Concerns with proposed amendments for police banning orders</u></p> <p>The QLS raised the following concerns:</p> <ul style="list-style-type: none"> • New section 602G creates a reverse onus on the person subject to the banning order by providing that unless the contrary is proved, a PBN sent by electronic communication to a nominated email address provided by the respondent is taken to be received at the time of it being sent. • There was no consultation with legal service providers about the policy intent of the expansion of the duration of initial PBNs, nor the practical issues encountered with the current regime. • The intent of the PBN scheme is to reduce the risk of violence, not exact extra-curial punishment. • QLS members have reported instances where any degree of antisocial behaviour is met with a PBN. • QLS members have advised of instances where persons have been charged for breaching a PBN when going into the area during the day for medical or other support purposes. 	<p>Without new section 602G, police would not be able to prove the respondent received the PBN in the event the respondent provided false details. As a result, the provision disincentivises a respondent from providing false details. Without this provision, the PBN scheme would be operationally ineffective and not achieve the policy objectives. Further, even if a respondent did provide false details, police are still required to explain the contents and effect of the PBN and consequences for breaching it, ensuring the respondent is at least alive to these issues.</p> <p>With respect to consultation, the Government released its interim response to the evaluation report in April 2019, supporting in-principle the recommendation to increase the duration of initial PBNs to up to one month. In circumstances where these amendments are partially implementing a recommendation of the independent evaluation report, and otherwise enhancing the operation of the PBN scheme, the QPS did not undertake additional consultation.</p> <p>The policy intent for the introduction of PBNs has always clearly been that it is intended as an option for police to curb and deter alcohol-fuelled violence, through the imposition of an immediate banning period. The limitations on rights resulting from the administrative nature of this sanction counter-balanced against the suite of legislative safeguards incorporated into the scheme.</p> <p>The threshold for issuing a PBN is set out in the PPRA. If a respondent believes their PBN was incorrectly issued, they can apply to the Commissioner for the PBN to be revoked.</p>

		<ul style="list-style-type: none"> • QLS members are concerned about the application of PBNs to homeless persons. • The QLS “queries” the removal of the current prescription that a photograph for the purpose of attaching an image to the PBN be limited to a person’s face, neck and hair on the basis that a person’s right to privacy may be negatively impacted. 	<p>The offence provision, which includes the defence of <i>reasonable excuse</i>, is intended to provide for flexibility in the operation of the conditions of the PBN, to ensure people can continue to access necessary medical or support services.</p> <p>The rationale for removing the requirement to limit a photograph to a person’s face, neck and hair is set out in the Explanatory Notes at page 17. It outlines that it is not a realistic limitation, given people being issued PBNs, particularly initial PBNs, are often intoxicated, violent obstructive and non-compliant.</p> <p>A person’s right to privacy is impacted to a very minimal extent, given the person is being photographed in a public space and only when a threshold of misbehaviour is identified. In any event, safeguards exist to mitigate any potential impact, including that the photograph is only used to attach to a PBN, and is subject to destruction provisions under PPRA ss 602V and 602W.</p>
43. Queensland Coalition for Action on Alcohol	Clause 50	<p><u>Increased rigour around banning regime</u></p> <p>Nil issues raised – Queensland Coalition for Action on Alcohol supports changes.</p>	Submitter’s support is noted.